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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,068	01/20/2004	Owen Bradley	31461-1001	4576

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EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,068

Applicant(s)

BRADLEY, OWEN

Examiner

Patricia L Engle

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/9/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because the drawings are informal. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3612

3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The term "weight classes 6-8" in claim 6 is a relative term which renders the claim indefinite. The term "weight classes 6-8" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The weight classes could change which would render the claim indefinite.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Lucas, Jr. (US Patent 5,816,650).

Regarding claim 1, Lucas, Jr. discloses a file cabinet for use in a vehicle having a cab with a seat (10) and floor, said file cabinet (26) comprising; a base (14); upstanding side walls (14) forming an enclosure; and a drawer (26); said cabinet (26) disposed between the cab seat (10) and the cab floor and supporting the cab seat (10).

Regarding claim 2, Lucas, Jr. discloses the cabinet of claim 1 wherein the seat is a passenger seat disposed adjacent to a vehicle operator's seat (Fig. 1).

Art Unit: 3612

7. Claims 1, 2, 7 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hofmann et al. (US Patent 6,386,612).

Regarding claim 1, Hofmann et al. disclose a file cabinet for use in a vehicle having a cab with a seat (10) and floor (38), said file cabinet (16) comprising; a base (38); upstanding side walls (32) forming an enclosure; and a drawer (18); said cabinet (16) disposed between the cab seat (10) and the cab floor and supporting the cab seat (10).

Regarding claim 2, Hofmann et al. disclose the cabinet of claim 1 wherein the seat is a passenger seat disposed adjacent to a vehicle operator's seat.

Regarding claim 7, Hofmann et al. disclose the cabinet of claim 1 further comprising a first set of fasteners (not shown) connecting said cabinet (16) to the cab floor and a second set of fasteners (Fig. 2) to connect said cabinet to the cab seat (10).

Regarding claim 8, Hofmann et al. disclose the cabinet of claim 7, wherein said second set of fasteners connect the seat (10) so that the seat lifts away from one edge of said upper surface of said cabinet (Fig. 2).

Regarding claim 9, Hofmann et al. disclose the cabinet of claim 8, wherein the top of the cabinet comprises a tabletop (20 or 66).

Regarding claim 10, Hofmann et al. disclose the cabinet of claim 1 further comprising a backrest (22) disposed on the seat (10) that is foldable forward and comprises a table top (Fig. 4).

Regarding claim 11, Hofmann et al. disclose the cabinet of claim 1 wherein said cabinet is integral to the seat (Fig. 1).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 4, 5, 6, 15, 12-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofmann et al.

Regarding claim 3, Hofmann et al. do not disclose that the drawer is openable toward a vehicle operator. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the front seat include a drawer system and to allow the drawer to open toward the vehicle operator. The motivation would have been to provide a storage cabinet for a vehicle operator that can be accessed without opening the vehicle doors.

Regarding claims 4 and 5, Hofmann et al. do not disclose a small compartment on the door of the cabinet for holding objects. The Examiner takes Official Notice that it is well known in the vehicle art to provide elastic netting on a surface to allow the for the storage of small items, such as maps. It would have been obvious to include a small compartment on the door of the cabinet for holding small items such as maps.

Regarding claim 6, Hofmann et al. do not disclose that the cabinet system is provided in a vehicle designated class 6-8. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the cabinet in any class vehicle with a seating structure. The motivation would have been to provide additional storage in the vehicle.

Art Unit: 3612

Regarding claim 15, Hofmann et al. do not disclose fasteners to position files in the drawer. The Examiner takes Official Notice that fasteners for drawers to allow files to be positioned is well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to include file storage fasteners in at least one section of the drawer. The motivation would have been to store papers as well as tools.

Regarding claims 12, 13, 14, 16, 17, 18, 19 and 20, Hofmann et al. do not disclose that the drawer is lockable. The Examiner takes Official Notice that vehicle activated locks are well known in the vehicle art. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a locking system that is activated by different vehicle signals. The motivation would have been to prevent the drawer from accidentally coming open when the vehicle is in motion.

Conclusion

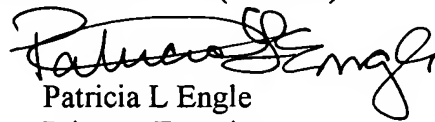
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses other cabinet structures for vehicles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777. After April 6, the Examiner can be reached at (571) 272-6660. The examiner can normally be reached on Monday - Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle
Primary Examiner
Art Unit 3612

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February 18, 2005